

GA-02.04, "Freedom of Information Act," June 1, 2004

## SCDC POLICY/PROCEDURE

NUMBER:GA-02.04

TITLE:FREEDOM OF INFORMATION ACT

ISSUE DATE: JUNE 1, 2004

RESPONSIBLE AUTHORITY:Office of General Counsel

OPERATIONS MANUAL: GENERAL ADMINISTRATION

SUPERSEDES:GA-02.04 (April 1, 2002)

RELEVANT SCDC FORMS/SUPPLIES:NONE

ACA/CAC STANDARDS: 3-ACRS-1A-18, 3-ACRS-1A-20, 3-4021, 3-4021-1

STATE/FEDERAL STATUTES: Freedom of Information Act, Section 30-4-10, et seq., South Carolina Code of Laws, 1976, as amended

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To outline Agency guidelines related to the handling and processing of requests for information from private citizens, corporations, associations, organizations, partnerships, or firms.

**POLICY STATEMENT:** The South Carolina Department of Corrections is committed to upholding the intent and the letter of the South Carolina Freedom of Information Act (FOIA). As a result, the Agency will ensure that documents and records releasable to the public under the Freedom of Information Act are made accessible to a requestor in accordance with reasonable rules concerning time and place of access. Only those records or information defined as "public records" and not excluded under Section 30-4-40 of the South Carolina Freedom of Information Act will be released to the requestor. (3-ACRS-1A-18, 3-ACRS-1A-20, 3-4021, 3-4021-1)

**DISCUSSION:** The Freedom of Information Act allows a person to inspect or copy any record defined as a "public record" in accordance with reasonable rules concerning time and place of access. Information

defined as a "public record" is included in Section 30-4-10, S.C. Code of Laws, 1976, as amended. The overall intent of the Freedom of Information Act is to allow citizens, or their representatives, to learn and report fully the activities of their public officials and of the decisions that are reached in public activity and in the formulation of public policy. As a general rule, the Freedom of Information Act obligates the SCDC to furnish public information and/or statistics that fall under the definition of a "public record" to a requesting individual or party without charge or at the lowest possible cost to the person requesting the record(s). This cost provision does not apply to those individuals or constituents for whom the Agency is statutorily required to provide information on a regular and/or on-going basis (e.g., Department of Probation, Parole, and Pardon Services, etc.).

#### SPECIFIC PROCEDURES:

1. All written requests received by any SCDC employee for information or records under the FOIA will immediately be forwarded to the FOIA Coordinator, Office of General Counsel. Employees must forward written requests for information to the FOIA Coordinator, Office of General Counsel no later than close of business on the date of their receipt.
2. Verbal requests for information under the FOIA from any citizen, corporation, association, organization, partnership, or firm except requests cited in Section 30-4-30, Section (d), must be reduced to writing and may be faxed or mailed to the attention of the FOIA Coordinator, Office of General Counsel. Verbal requests for information cited in Section 30-4-30, Section (d), will be directed to the FOIA Coordinator within the Office of General Counsel. If the request is approved, the information will be furnished or made available by the Office of General Counsel for inspection or photocopying by the requestor. This procedure does not apply to requests for information made by news media representatives which are handled under SCDC Policy/Procedure GA-02.01, "Employee and Inmate Relations with News Media Representatives and Others." (3-ACRS-1A-18, 3-4021)
3. Upon receipt of a verbal or written request for information under the FOIA, the FOIA Coordinator, or an approved designee will be responsible for reviewing the request and for determining if the request falls under the FOIA. If a request is questionable, it will be referred to an attorney within Office of General Counsel for final determination. The FOIA Coordinator, or an approved designee will be responsible for notifying verbally or in writing the requestor of the Agency's decision and the reasons for the same within 15 working days of his/her receipt of the written request for information.
4. If the request for information is approved, the information will be furnished or made available for inspection or photocopying. Agency personnel will be required to render any assistance to the FOIA Coordinator that may be necessary to respond appropriately to the FOIA request, i.e., collection of statistical data or records, etc. (NOTE: The Agency reserves the right to establish and collect a fee not to exceed the actual employee time and material costs associated with the searching for and/or making copies of such information for the requesting person or parties. Pursuant to statute, such information will be furnished at the "lowest possible cost" to the person or party requesting the information. All parties requesting such information will be charged a minimum fee of twenty-five cents per page. The Office of General Counsel should be contacted to determine the assessment of any fees for actual employee time and any other material costs of research in such cases.)

5. The FOIA Coordinator, or an approved designee will maintain an internal file of all FOIA requests received and of responses to the same. Files must be maintained for a minimum of five (5) years.

6. DEFINITIONS:

Close of Business refers to no later than 4:30 p.m. on a working day.

Working Day(s) refers to any day with the exception of Saturday, Sunday, and legal state holidays.

SIGNATURE ON FILE

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s/Jon E. Ozmint, Director

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